

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

NITETEK LICENSING LLC,

CASE NO. 21-CV-713

Plaintiff,

# COMPLAINT FOR PATENT INFRINGEMENT

V.

STREAMBOX INC.,

## **JURY TRIAL DEMANDED**

Defendant.

# COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nitetek Licensing LLC (“Plaintiff”), through its attorneys, complains of Streambox Inc. (“Defendant”), and alleges the following::

## PARTIES

1. Plaintiff Nitetek Licensing LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 6001 W Parmer Ln., Ste 370, 1070 Austin, TX 78727-3908.

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MANN LAW GROUP PLLC  
403 Madison Ave. N. Ste. 240  
Bainbridge Island, WA 98110  
Phone: 206-436-0900

2. Defendant Streambox Inc. is a corporation organized and existing  
1 under the laws of Washington that maintains an established place of business at  
2 1801 130th Ave NE, Suite 200, Bellevue, WA 98005.  
3

4 **JURISDICTION**  
5

6 3. This is an action for patent infringement arising under the patent laws  
7 of the United States, Title 35 of the United States Code.  
8

9 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C.  
10 §§ 1331 and 1338(a).  
11

12 5. This Court has personal jurisdiction over Defendant because it has  
13 engaged in systematic and continuous business activities in this District and is  
14 incorporated in this District's state. As described below, Defendant has committed  
15 acts of patent infringement giving rise to this action within this District.  
16  
17

18 **VENUE**  
19

20 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because  
21 Defendant has committed acts of patent infringement in this District and is  
22 incorporated in this District's state.  
23  
24  
25  
26

## PATENT-IN-SUIT

1           7. Plaintiff is the assignee of all right, title and interest in United States  
2 Patent No. 6,661,783 (the “Patent-in-Suit” or the “’783 Patent”); including all  
3 rights to enforce and prosecute actions for infringement and to collect damages for  
4 all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff  
5 possesses the exclusive right and standing to prosecute the present action for  
6 infringement of the Patent-in-Suit by Defendant.  
7  
8

## 10 THE ’783 PATENT

12           8. The ’783 Patent is entitled “CDMA transmission apparatus,” and  
13 issued 12/09/2003. The application leading to the ’783 Patent was filed on  
14 03/09/1999. A true and correct copy of the ’783 Patent is attached hereto as Exhibit  
15 1 and incorporated herein by reference.

17           9. The ’783 Patent is valid and enforceable.  
18  
19

## 20 COUNT I: INFRINGEMENT OF THE ’783 PATENT

22           10. Plaintiff incorporates the above paragraphs herein by reference.  
23  
24

25           11. **Direct Infringement.** Defendant has directly infringed one or more  
26 claims of the ’783 Patent in at least this District by having made, used, offered to  
27

1 sell, sold and/or imported, without limitation, at least the Defendant products  
2 identified in the charts incorporated into this Count below (among the “Exemplary  
3 Defendant Products”) that infringe at least the exemplary claims of the ’783 Patent  
4 also identified in the charts incorporated into this Count below (the “Exemplary  
5 ’783 Patent Claims”) literally or by the doctrine of equivalents. On information and  
6 belief, numerous other devices that infringe the claims of the ’783 Patent have been  
7 made, used, sold, imported, and offered for sale by Defendant and/or its customers.  
8

9       12. Defendant also has and continues to directly infringe, literally or  
10 under the doctrine of equivalents, the Exemplary ’783 Patent Claims, by having its  
11 employees internally test and use these Exemplary Products.

13       13. Exhibit 2 includes charts comparing the Exemplary ’783 Patent Claims  
14 to the Exemplary Defendant Products. As set forth in these charts, the Exemplary  
15 Defendant Products practice the technology claimed by the ’783 Patent.  
16 Accordingly, the Exemplary Defendant Products incorporated in these charts  
17 satisfy all elements of the Exemplary ’783 Patent Claims.  
18

20       14. Plaintiff therefore incorporates by reference in its allegations herein  
21 the claim charts of Exhibit 2.  
22

24       15. Plaintiff is entitled to recover damages adequate to compensate for  
25 Defendants infringement.  
26

**JURY DEMAND**

1           16. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff  
2 respectfully requests a trial by jury on all issues so triable.  
3  
4

5           **PRAYER FOR RELIEF**  
6  
7

WHEREFORE, Plaintiff respectfully requests the following relief:

- 8           A. A judgment that the '783 Patent is valid and enforceable;
- 9  
10           B. A judgment that Defendant has infringed directly one or more  
11 claims of the '783 Patent;
- 12  
13           C. An accounting of all damages not presented at trial;
- 14  
15           D. A judgment that awards Plaintiff all appropriate damages under  
16 35 U.S.C. § 284 for Defendants past infringement with respect to the '204  
17 Patent
- 18  
19           E. And, if necessary, to adequately compensate Plaintiff for  
20 Defendants infringement, an accounting:
  - 21           i. that this case be declared exceptional within the meaning of 35  
22 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys  
23 fees against Defendant that it incurs in prosecuting this action;

- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

DATED this 28<sup>st</sup> day of May, 2021.

By: s/ Philip P. Mann  
Philip P. Mann, WSBA No. 28860  
**MANN LAW GROUP PLLC**  
403 Madison Ave. N. Ste. 240  
Bainbridge Island, WA 98110  
Telephone: (206) 436-0900  
email: [phil@mannlawgroup.com](mailto:phil@mannlawgroup.com)

Together with:

David deBruin (No. 4846)  
GAWTHROP GREENWOOD, PC  
3711 Kennett Pike, Suite 100  
Wilmington, DE 19807  
302-777-5353  
email: ddebruin@gawthrop.com

**Counsel for Plaintiff  
Niteteck Licensing LLC**